FORM 26. Docketing Statement

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

No. 14-1776

Magnetar Technologies Corp.

v.

Six Flags Theme Parks Inc.

DOCKETING STATEMENT

This Docketing Statement must be completed by all counsel and filed with the court within 14 days of the date of docketing. When the United States or its officer or agency is a party, this Docketing Statement must be completed by all counsel and filed with the court within 30 days of docketing. All questions must be answered or the statement will be rejected.

Name of the party you represent: Magnetar Technologies Corp.

Party is (select one)
- ☑ Appellant/Petitioner
- ☐ Cross-Appellant
- ☐ Appellee/Respondent
- ☐ Intervenor

Tribunal appealed from and Case No.: District of Delaware, Case No. 07-127-LPS-MPT

Date of Judgment/Order: 07/29/2014 Type of Case: Patent Infringement

Relief sought on appeal: Reversal of judgment by the district court.

Relief awarded below (if damages, specify): Summary judgments of invalidity and non-infringement and exclusion of experts.

Briefly describe the judgment/order appealed from: The judgment granted summary judgment of invalidity and non-infringement (in part) of U.S. Patent No. 5,277,125; granted summary judgment of non-infringement of U.S. Patent No. 6,659,237; excluded an expert witness; and excluded in part a lay witness.

FORM 26. Docketing Statement (continued)

Nature of judgment (select one)

- ☑ Final Judgment, 28 USC 1295
- ☐ Rule 54(b)
- ☐ Interlocutory Order (specify type) __________
- ☐ Other (explain; *see* Fed. Cir. R. 28(a)(5)) __________

Name and docket number of any related cases pending before this court plus the name of the writing judge if an opinion was issued

None.

Brief statement of the issues to be raised on appeal

The summary judgments of invalidity and non-infringement of U.S. Patent No. 5,277,125; the summary judgment of non-infringement of U.S. Patent No. 6,659,237; and the exclusion of the expert and lay witness.

Have there been discussions with other parties relating to settlement of this case?

☑ Yes ☐ No

If "yes," when were the last such discussions?

- ☐ Before the case was filed below?
- ☑ During the pendency of the case below?
- ☐ Following the judgment/order appealed from?

If "yes," were the settlement discussions mediated? ☐ Yes ☑ No

If they were mediated, by whom?

N/A

FORM 26. Docketing Statement (continued)

Do you believe that this case may be amenable to mediation? ☐ Yes ☑ No

If you answered no, explain why not

The parties' positions are extremely far apart.

Provide any other information relevant to the inclusion of this case in the court's mediation program.

None.

I certify that I filed an original and one copy of this Docketing Statement with the Clerk of the United States Court of Appeals for the Federal Circuit and served a copy on counsel of record, this 12th day of September, 2014

by: electronic means via the Court's CM/ECF system
(manner of service)

Joseph N. Hosteny — Name of Counsel

/s/ Joseph N. Hosteny — Signature of Counsel

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PROOF OF SERVICE

In Re: MAGNETAR TECHNOLOGIES CORP.'S DOCKETING STATEMENT

Caption: Magnetar Technologies Corp. v. Six Flags Theme Parks Inc., 14-1776

Filed: United States Court of Appeals for the Federal Circuit

I am a citizen of the United States and a resident of or employed in the County of Cook; I am over the age of eighteen years and not a party to the within action; my business address is: 181 W. Madison St., Ste. 4600, Chicago, IL 60602. On September 12, 2014, I caused to be served the above-entitled document on the persons interested in said action electronically by CM/ECF as follows:

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I declare under penalty of perjury that the foregoing is true and correct. Service executed on September 12, 2014, at Chicago, Illinois.

/s/ Joseph N. Hosteny
Joseph N. Hosteny